

Judge Thomas S. Zilly

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

vs.

VAN XUAN BENNUM,

Defendant.

NO. CR06-189TSZ

ORDER OF CONTINUANCE

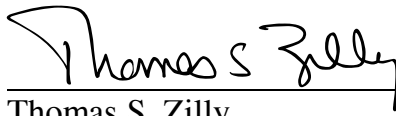
The Court having reviewed the stipulated motion by the United States and defendant VAN XUAN BENNUM to continue the trial date, and having reviewed the records and files herein, makes the following findings and enters the following order;

The Court finds that pursuant to 18 U.S.C. §3161(h)(8)(A) and §3161(h)(8)(B)(i), (ii) and (iv), the ends of justice served by continuing the trial date from November 20, 2006 to February 12, 2007, outweigh the best interests of the public and the defendant in a speedy trial. Defense counsel John Henry Browne substituted in this matter on October 23, 2006. Due to the complexity of the case, it is unreasonable to expect Mr. Browne to be adequately prepared for trial before November 20, 2006. Additionally, failure to grant a continuance to February 12, 2007, would deny the defendant the time necessary for effective preparation, taking into account the exercise of due diligence, and would result in a miscarriage of justice.

1 IT IS HEREBY ORDERED that trial in this matter is continued from
2 November 20, 2006 to February 12, 2007. Defendant BENNUM shall file a waiver of
3 speedy trial not later than November 17, 2006.

4 IT IS FURTHER ORDERED that, for the purpose of computing the time
5 limitations imposed by the Speedy Trial Act U.S.C. §§3161-3164, the period of delay
6 from November 20, 2006, up to and including February 12, 2007, is excludable time
7 pursuant to 18 U.S.C. §3161(h)(8)(B)(iv).

8 DATED this 15th day of November, 2006.

9
10 
11 Thomas S. Zilly
12 United States District Judge

13 Presented by:

14 /s Jill Otake
15 JILL OTAKE
16 Assistant United States Attorney
17 WA Bar # 28298
18 United States Attorney's Office
19 700 Stewart Street, Suite 5220
20 Seattle, WA 98101
21 Telephone: (206) 553-4254
22 Fax: (206) 553-0755
23 E-mail: jill.otake@usdoj.gov

24
25 Approved as to form:

26 /s John Henry Browne
27
28